

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**KIM BROOKS,**

**Plaintiff,**

**VS.**

## RISK MANAGEMENT ALTERNATIVES, INC., and CREDIGY RECEIVABLES,

## Defendants.

**IN THE MATTER OF:**

**RISK MANAGEMENT ALTERNATIVES,  
INC.,**

**Debtor.**

**CASE NO. 8:05CV130**

# MEMORANDUM AND ORDER

**CASE NO. BK05-49363-KW**  
**(N.D. Ohio)**

**A05-8052**  
**Chapter 11**

Plaintiff Kim Brooks filed a Complaint against the Defendants, Risk Management Alternatives, Inc. (“RMA”) and Credigy Receivables on March 24, 2005. (Filing No. 1). Each Defendant answered. (Filing Nos. 13 and 15). On July 7, 2005, RMA filed a voluntary petition under the Bankruptcy Code seeking Chapter 11 relief, and a suggestion of bankruptcy was filed in this proceeding on July 14, 2005. (Filing No. 23). Magistrate Judge F. A. Gossett then referred the matter to the United State Bankruptcy Court pursuant to 28 U.S.C. § 157 and NEGenR 1.5(a)(1).

This matter is now before the Court on the Report and Recommendation of Chief Judge Timothy J. Mahoney of the United States Bankruptcy Court. (Filing No. 30). Chief Judge Mahoney recommends that this Court withdraw its reference of the case to the bankruptcy court, that all claims against Defendant RMA be stayed pending the outcome of the bankruptcy proceedings, and that all claims against Defendant Credigy Receivables

be allowed to proceed. The deadline for objecting to the Report and Recommendation has expired, and no objection has been made.

Notwithstanding the absence of objections, the Court has conducted a de novo review of the record pursuant to 28 U.S.C. § 157(c)(1). Based on that review, the Court adopts the Report and Recommendation in its entirety. Accordingly,

IT IS ORDERED:

- 1) The Report and Recommendation of Chief Judge Mahoney (Filing No. 30) is adopted in its entirety;
- 2) The reference of this case to the United States Bankruptcy Court is hereby withdrawn;
- 3) All claims against Defendant Risk Management Alternatives, Inc. are stayed pending the outcome of the bankruptcy proceedings;
- 4) This matter may proceed against Defendant Credigy Receivables;
- 5) Counsel are directed to contact the chambers of Magistrate Judge F.A. Gossett before the end of the week to discuss the progression deadline previously established for the Case Planning Conference, currently scheduled for October 24, 2005 at 9:30 a.m.; and
- 6) The Clerk of the District Court shall process this order according to the local rules of the Court.

DATED this 20<sup>th</sup> day of October, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge